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12 Proposed Attorneys for Debtor

13
UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

14 In re:
 15 SPARTAN POOLS LLC,
 16 Debtor.

17 Case No. 22-13244-nmc
 18 Chapter 11
 19 Status Hearing:
 20 Date: November 1, 2022
 21 Time: 9:30 a.m.

SUBCHAPTER V DEBTOR'S STATUS REPORT PURSUANT TO 11 U.S.C. § 1188(c)

22 Spartan Pools LLC, a Nevada limited liability company, as debtor and debtor in
 23 possession (the “Debtor”), submits its status report as required pursuant to section 1188(c) of
 24 title 11 of the United States Code (the “Bankruptcy Code”) and the *Court’s Order Setting (A)*
 25 *Status Conference, et al.* [ECF No. 6]. As its status report, the Debtor represents as follows:

26 1. On September 9, 2022 (the “Petition Date”), the Debtor filed its voluntary petition
 27 for relief under chapter 11 of the Bankruptcy Code, thereby commencing its bankruptcy case (the
 28 “Chapter 11 Case”), and elected to be treated under Subchapter V. Accordingly, the Debtor is
 29 authorized to continue operating its business and manage its property as a debtor in possession
 30 pursuant to section 1184 of the Bankruptcy Code. Brian D. Shapiro, Esq. has been appointed as
 31 the Subchapter V Trustee in this case. [ECF No. 7].

32 2. The Debtor is a Nevada limited liability company that specializes in swimming
 33 pool and spa construction, renovations, and repairs. The Debtor was formed on October 24,
 34 2014, and its sole member and owner is Carlos Tapia (“Mr. Tapia”). The Debtor is filing for

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1 bankruptcy reorganization principally to achieve a more economical and expedient resolution to
 2 an ongoing litigation in Nevada state court, which has proven very expensive and time
 3 consuming to litigate and resolve, and to allow Spartan to continue in business.

4 3. The Debtor's bankruptcy filing was motivated principally by a pending litigation
 5 in the Eighth Judicial District Court filed on June 4, 2019, styled, Douglass Ansell v. Spartan
 6 Pools, LLC, case no. A-19-795984-C (the "Litigation"). The Debtor, through his attorneys,
 7 made several attempts to settle the Litigation with Mr. Ansell with no avail. The purpose of the
 8 Chapter 11 Case is thus to preserve and protect the Debtor's business, and to allow it to continue
 9 operating in the ordinary course, restructure its debts, and commence repayment of them over
 10 time.

11 4. On September 16, 2022, the Debtor filed various initial emergency motions,
 12 which included: (a) a motion to approve cash management procedures and to allow the Debtor
 13 to continue using its pre-petition bank accounts with Wells Fargo Bank, N.A. and have them
 14 designated as "debtor in possession" accounts; (b) a motion to approve the designation of Mr.
 15 Tapia as the responsible person for the Debtor in the case; and (c) a motion with respect to utility
 16 providers to avoid interruptions in service and put in place procedures to resolve potential
 17 additional adequate assurance demands for such providers [ECF Nos. 16-18]. The Court heard
 18 the foregoing matters on an emergency interim basis at a hearing on September 22, 2022, which
 19 were granted on that limited basis, and a further hearing to consider final approval of these
 20 matters is scheduled for November 1, 2022. [ECF Nos. 24-26].

21 5. The Debtor's Initial Debtor Interview with the Office of the U.S. Trustee was
 22 scheduled and concluded on October 5, 2022 at 2:00 p.m., and its 341(a) meeting of creditors
 23 was scheduled and concluded on October 13, 2022 at 11:00 a.m.

24 6. The Debtor has filed an application to approve the employment of Larson &
 25 Zirzow, LLC as its general reorganization counsel in the Chapter 11 Case, which application is
 26 set for hearing on October 18, 2022 at 2:00 p.m. [ECF Nos. 8].

27 7. On September 23, 2022, the Debtor timely filed the balance of its bankruptcy
 28 *Schedules and Statement of Financial Affairs* [ECF No. 28].

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8. As of the filing of this status report, Mr. Ansell's counsel has not made an appearance in the Chapter 11 Case. It is the Debtor's desire to discuss a potential resolution and to discuss a possible framework for any claim of Mr. Ansell in order for the Debtor to file a consensual plan of reorganization. The Debtor's deadline to file its plan is set for December 8, 2022.

9. In sum, the Debtor has complied with all of its filing obligations to date, and anticipates on filing its plan within the next thirty (30) days.

Dated: October 18, 2022.

By: /s/ Zachariah Larson
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